



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 7

MISCELLANEOUS

82 Limitation of liability

- (1) No liability shall be incurred by a guardian, a continuing attorney, a welfare attorney, a person authorised under an intervention order, a withdrawer or the managers of an establishment for any breach of any duty of care or fiduciary duty owed to the adult if he has or they have—
- (a) acted reasonably and in good faith and in accordance with the general principles set out in section 1; or
 - (b) failed to act and the failure was reasonable and in good faith and in accordance with the said general principles.
- (2) In this section any reference to—
- (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
 - (b) a continuing attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed), relating to the granter's property or financial affairs and having continuing effect notwithstanding the granter's incapacity; and
 - (c) a welfare attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed) relating to the granter's personal welfare and having effect during the granter's incapacity.

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 82. (See end of Document for details)

Commencement Information

- II** S. 82 partly in force; s. 82 not in force at Royal Assent see s. 89(2); s. 82(1) in force for specified purposes and s. 82(2)(b)(c) in force at 2.4.2001 and s. 82 in force for further specified purposes by [S.S.I. 2001/81](#), arts. 2, 3, Sch. 1, [Sch. 2](#) (as amended by [S.I. 2002/172](#), [art. 2](#))

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